

SO. CAL. EQUAL ACCESS GROUP
Jason J. Kim (SBN 190246)
Jason Yoon (SBN 306137)
Kevin Hong (SBN 299040)
101 S. Western Ave., Second Floor
Los Angeles, CA 90004
Telephone: (213) 205-6560
cm@SoCalEAG.com

Attorneys for Plaintiff
MARIA GARCIA

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MARIA GARCIA,
Plaintiff,
vs.

VINOD BHAI PATEL D/B/A KING'S
LODGE MOTEL; VENICE PROPERTY
GROUP, LLC; and DOES 1 to 10,
Defendants.

Case No.:

COMPLAINT FOR INJUNCTIVE
RELIEF AND DAMAGES FOR DENIAL
OF CIVIL RIGHTS OF A DISABLED
PERSON IN VIOLATIONS OF

1. AMERICANS WITH DISABILITIES
ACT, 42 U.S.C. §12131 et seq.;
2. CALIFORNIA'S UNRUH CIVIL
RIGHTS ACT;
3. CALIFORNIA'S DISABLED
PERSONS ACT;
4. CALIFORNIA HEALTH & SAFETY
CODE;
5. NEGLIGENCE

Plaintiff MARIA GARCIA ("Plaintiff") complains of Defendants VINOD BHAI
PATEL D/B/A KING'S LODGE MOTEL; VENICE PROPERTY GROUP, LLC; and
DOES 1 to 10 ("Defendants") and alleges as follows:

//

//

//

PARTIES

1
2 1. Plaintiff is a California resident with a physical disability. Plaintiff suffers
3 from advanced multiple sclerosis and is substantially limited in her ability to walk.
4 Plaintiff requires the use of a wheelchair at all times when traveling in public.

5 2. Defendants are, or were at the time of the incident, the real property owners,
6 business operators, lessors and/or lessees of the real property for a motel ("Business")
7 located at or about 8618 Venice Blvd., Los Angeles, California.

8 3. The true names and capacities, whether individual, corporate, associate or
9 otherwise of Defendant DOES 1 through 10, and each of them, are unknown to Plaintiff,
10 who therefore sues said Defendants by such fictitious names. Plaintiff will ask leave of
11 Court to amend this Complaint when the true names and capacities have been
12 ascertained. Plaintiff is informed and believes, and, based thereon, alleges that each such
13 fictitiously named Defendants are responsible in some manner, and therefore, liable to
14 Plaintiff for the acts herein alleged.

15 4. Plaintiff is informed and believes, and thereon alleges that, at all relevant
16 times, each of the Defendants was the agent, employee, or alter-ego of each of the other
17 Defendants, and/or was acting in concert with each of the other Defendants, and in doing
18 the things alleged herein was acting with the knowledge and consent of the other
19 Defendants and within the course and scope of such agency or employment relationship.

20 5. Whenever and wherever reference is made in this Complaint to any act or
21 failure to act by a defendant or Defendants, such allegations and references shall also be
22 deemed to mean the acts and failures to act of each Defendant acting individually, jointly
23 and severally.

24 **JURISDICTION AND VENUE**

25 6. The Court has jurisdiction of this action pursuant to 28 USC §§ 1331 and
26 1343 for violation of the Americans with Disabilities Act of 1990, (42 USC §12101, *et*
27 *seq.*).
28

1 patronize the Business; however, Plaintiff is deterred from visiting the Business because
2 her knowledge of these violations prevents her from returning until the barriers are
3 removed.

4 15. Based on the violations, Plaintiff alleges, on information and belief, that
5 there are additional barriers to accessibility at the Business after further site inspection.
6 Plaintiff seeks to have all barriers related to her disability remedied. *See Doran v. 7-*
7 *Eleven, Inc.* 524 F.3d 1034 (9th Cir. 2008).

8 16. In addition, Plaintiff alleges, on information and belief, that Defendants
9 knew that particular barriers render the Business inaccessible, violate state and federal
10 law, and interfere with access for the physically disabled.

11 17. At all relevant times, Defendants had and still have control and dominion
12 over the conditions at this location and had and still have the financial resources to
13 remove these barriers without much difficulty or expenses to make the Business
14 accessible to the physically disabled in compliance with ADDAG and Title 24
15 regulations. Defendants have not removed such barriers and have not modified the
16 Business to conform to accessibility regulations.

17 **FIRST CAUSE OF ACTION**

18 **VIOLATION OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

19 18. Plaintiff incorporates by reference each of the allegations in all prior
20 paragraphs in this complaint.

21 19. Under the Americans with Disabilities Act of 1990 (“ADA”), no individual
22 shall be discriminated against on the basis of disability in the full and equal enjoyment of
23 the goods, services, facilities, privileges, advantages, or accommodations of any place of
24 public accommodation by any person who owns, leases, or leases to, or operates a place
25 of public accommodation. *See* 42 U.S.C. § 12182(a).

26 20. Discrimination, *inter alia*, includes:

- 27 a. A failure to make reasonable modification in policies, practices, or
28 procedures, when such modifications are necessary to afford such

1 goods, services, facilities, privileges, advantages, or accommodations
2 to individuals with disabilities, unless the entity can demonstrate that
3 making such modifications would fundamentally alter the nature of
4 such goods, services, facilities, privileges, advantages, or
5 accommodations. 42 U.S.C. § 12182(b)(2)(A)(ii).

6 b. A failure to take such steps as may be necessary to ensure that no
7 individual with a disability is excluded, denied services, segregated or
8 otherwise treated differently than other individuals because of the
9 absence of auxiliary aids and services, unless the entity can
10 demonstrate that taking such steps would fundamentally alter the
11 nature of the good, service, facility, privilege, advantage, or
12 accommodation being offered or would result in an undue burden. 42
13 U.S.C. § 12182(b)(2)(A)(iii).

14 c. A failure to remove architectural barriers, and communication barriers
15 that are structural in nature, in existing facilities, and transportation
16 barriers in existing vehicles and rail passenger cars used by an
17 establishment for transporting individuals (not including barriers that
18 can only be removed through the retrofitting of vehicles or rail
19 passenger cars by the installation of a hydraulic or other lift), where
20 such removal is readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv).

21 d. A failure to make alterations in such a manner that, to the maximum
22 extent feasible, the altered portions of the facility are readily
23 accessible to and usable by individuals with disabilities, including
24 individuals who use wheelchairs or to ensure that, to the maximum
25 extent feasible, the path of travel to the altered area and the
26 bathrooms, telephones, and drinking fountains serving the altered
27 area, are readily accessible to and usable by individuals with
28 disabilities where such alterations to the path or travel or the

1 bathrooms, telephones, and drinking fountains serving the altered area
2 are not disproportionate to the overall alterations in terms of cost and
3 scope. 42 U.S.C. § 12183(a)(2).

4 21. Where parking spaces are provided, accessible parking spaces shall be
5 provided. 1991 ADA Standards § 4.1.2(5); 2010 ADA Standards § 208. One in every
6 eight accessible spaces, but not less than one, shall be served by an access aisle 96 in
7 (2440 mm) wide minimum and shall be designated “van accessible.” 1991 ADA
8 Standards § 4.1.2(5)(b). For every six or fraction of six parking spaces, at least one shall
9 be a van accessible parking space. 2010 ADA Standards § 208.2.4.

10 22. Under the ADA, the method and color of marking are to be addressed by
11 State or local laws or regulations. See 36 C.F.R., Part 1191. Under the California
12 Building Code (“CBC”), the parking space identification signs shall include the
13 International Symbol of Accessibility. Parking identification signs shall be reflectorized
14 with a minimum area of 70 square inches. Additional language or an additional sign
15 below the International Symbol of Accessibility shall state “Minimum Fine \$250.” A
16 parking space identification sign shall be permanently posted immediately adjacent and
17 visible from each parking space, shall be located with its centerline a maximum of 12
18 inches from the centerline of the parking space and may be posted on a wall at the
19 interior end of the parking space. See CBC § 11B-502.6, et seq.

20 23. Moreover, an additional sign shall be posted either in a conspicuous place at
21 each entrance to an off-street parking facility or immediately adjacent to on-site
22 accessible parking and visible from each parking space. The additional sign shall not be
23 less than 17 inches wide by 22 inches high. The additional sign shall clearly state in
24 letters with a minimum height of 1 inch the following: “Unauthorized vehicles parked in
25 designated accessible spaces not displaying distinguishing placards or special license
26 plates issued for persons with disabilities will be towed away at the owner’s expense...”
27 See CBC § 11B-502.8, et seq.

24. Here, Defendants failed to provide the parking space identification sign with the International Symbol of Accessibility. In addition, Defendants failed to provide the signs stating, “Minimum Fine \$250” and “Van Accessible.” Moreover, Defendants failed to provide the additional sign with the specific language stating “Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or special license plates issued for persons with disabilities will be towed away at the owner’s expense...”

25. A public accommodation shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the Act or this part. 28 C.F.R. 35.211(a).

26. By failing to maintain the facility to be readily accessible and usable by Plaintiff, Defendants are in violation of Plaintiff's rights under the ADA and its related regulations.

27. The Business has denied and continues to deny full and equal access to Plaintiff and to other people with disabilities. Plaintiff has been and will continue to be discriminated against due to the lack of accessible facilities, and therefore, seeks injunctive relief to alter facilities to make such facilities readily accessible to and usable by individuals with disabilities.

SECOND CAUSE OF ACTION

VIOLATION OF THE UNRUH CIVIL RIGHTS ACT

28. Plaintiff incorporates by reference each of the allegations in all prior paragraphs in this complaint.

29. California Civil Code § 51 states, “All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.”

1 provided), telephone facilities, adoption agencies, private schools, hotels, loading places,
2 places of public accommodations, amusement, or resort, and other places in which the
3 general public is invited, subject only to the conditions and limitations established by
4 law, or state or federal regulation, and applicable alike to all persons.

5 36. California Civil Code § 54.3(a) states, “Any person or persons, firm or
6 corporation who denies or interferes with admittance to or enjoyment of public facilities
7 as specified in Sections 54 and 54.1 or otherwise interferes with the rights of an
8 individual with a disability under Sections 54, 54.1 and 54.2 is liable for each offense for
9 the actual damages, and any amount as may be determined by a jury, or a court sitting
10 without a jury, up to a maximum of three times the amount of actual damages but in no
11 case less than one thousand dollars (\$1,000) and any attorney’s fees that may be
12 determined by the court in addition thereto, suffered by any person denied the rights
13 provided in Section 54, 54.1, and 54.2.

14 37. California Civil Code § 54(d) specifies, “a violation of the right of an
15 individual under Americans with Disabilities Act of 1990 (Public Law 101-336) also
16 constitute a violation of this section, and nothing in this section shall be construed to limit
17 the access of any person in violation of that act.

18 38. The actions and omissions of Defendants alleged herein constitute a denial
19 of full and equal accommodation, advantages, and facilities by physically disabled
20 persons within the meaning of California Civil Code § 54. Defendants have
21 discriminated against Plaintiff in violation of California Civil Code § 54.

22 39. The violations of the California Disabled Persons Act caused Plaintiff to
23 experience difficulty, discomfort, and embarrassment. The Defendants are also liable for
24 statutory damages as specified in California Civil Code §55.56(a)-(c).

25 **FOURTH CAUSE OF ACTION**

26 **CALIFORNIA HEALTH & SAFETY CODE § 19955, et seq.**

27 40. Plaintiff incorporates by reference each of the allegations in all prior
28 paragraphs in this complaint.

1 41. Plaintiff and other similar physically disabled persons who require the use of
2 a wheelchair are unable to use public facilities on a “full and equal” basis unless each
3 such facility is in compliance with the provisions of California Health & Safety Code §
4 19955 et seq. Plaintiff is a member of the public whose rights are protected by the
5 provisions of California Health & Safety Code § 19955 et seq.

6 42. The purpose of California Health & Safety Code § 1995 et seq. is to ensure
7 that public accommodations or facilities constructed in this state with private funds
8 adhere to the provisions of Chapter 7 (commencing with Section 4450) of Division 5 of
9 Title 1 of the Government Code. The code relating to such public accommodations also
10 requires that “when sanitary facilities are made available for the public, clients, or
11 employees in these stations, centers, or buildings, they shall be made available for
12 persons with disabilities.

13 43. Title II of the ADA holds as a “general rule” that no individual shall be
14 discriminated against on the basis of disability in the full and equal enjoyment of goods
15 (or use), services, facilities, privileges, and accommodations offered by any person who
16 owns, operates, or leases a place of public accommodation. 42 U.S.C. § 12182(a).
17 Further, each and every violation of the ADA also constitutes a separate and distinct
18 violation of California Civil Code §§ 54(c) and 54.1(d), thus independently justifying an
19 award of damages and injunctive relief pursuant to California law, including but not
20 limited to Civil Code § 54.3 and Business and Professions Code § 17200, et seq.

21 **FIFTH CAUSE OF ACTION**

22 **NEGLIGENCE**

23 44. Plaintiff incorporates by reference each of the allegations in all prior
24 paragraphs in this complaint.

25 45. Defendants have a general duty and a duty under the ADA, Unruh Civil
26 Rights Act and California Disabled Persons Act to provide safe and accessible facilities
27 to the Plaintiff.
28

1 46. Defendants breached their duty of care by violating the provisions of ADA,
2 Unruh Civil Rights Act and California Disabled Persons Act.

3 47. As a direct and proximate result of Defendants' negligent conduct, Plaintiff
4 has suffered damages.

5 **PRAYER FOR RELIEF**

6 WHEREFORE, Plaintiff respectfully prays for relief and judgment against
7 Defendants as follows:

8 1. For preliminary and permanent injunction directing Defendants to comply
9 with the Americans with Disability Act and the Unruh Civil Rights Act;

10 2. Award of all appropriate damages, including but not limited to statutory
11 damages, general damages and treble damages in amounts, according to proof;

12 3. Award of all reasonable restitution for Defendants' unfair competition
13 practices;

14 4. Reasonable attorney's fees, litigation expenses, and costs of suit in this
15 action;

16 5. Prejudgment interest pursuant to California Civil Code § 3291; and

17 6. Such other and further relief as the Court deems just and proper.

18 **DEMAND FOR TRIAL BY JURY**

19 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby
20 demands a trial by jury on all issues so triable.

21
22 Dated: August 23, 2024

SO. CAL. EQUAL ACCESS GROUP

23
24
25 By: /s/ Jason J. Kim
26 Jason J. Kim, Esq.
27 Attorneys for Plaintiff
28